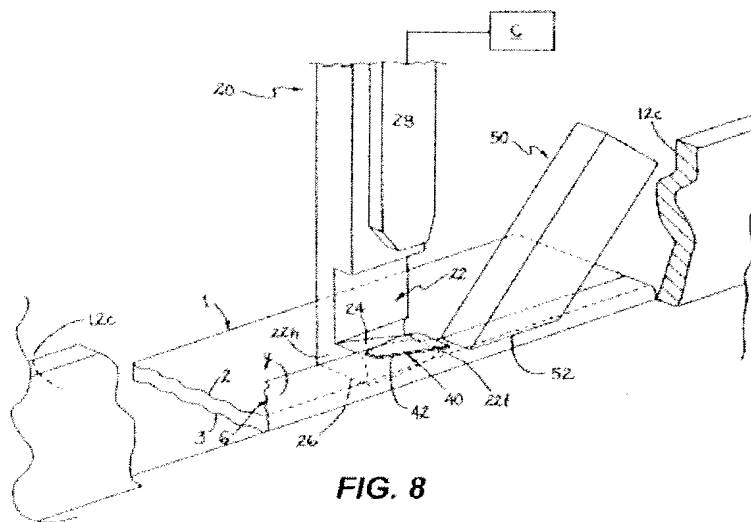


Remarks

Claims 1, 2, 6-12, 14-15, and 31-44 are pending for the Examiner's consideration. Claims 3-5, 13 and 16-30 have been canceled, and claim 15 has been withdrawn from consideration.

Claims 1-12, 14, and 43-44 were rejected in the Office Action under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Office Action alleges that the recitation "rolling at least the first layer between spaced first and second guides configured to contact the first layer and guide the first layer along a heated guide surface toward the second layer" in independent claims 1, 31, 37, and 43 "is not supported by the original disclosure, which does not mention a heated guide in addition to a first and second spaced guides." (Office Action, p. 2).¹ Applicant respectfully disagrees.

In the Supplemental Amendment filed on October 23, 2007, Applicant identified support for the above-identified recitation in an exemplary embodiment in FIGS. 8 and 9 as well as at page 11, line 7 to page 12, line 30 of the specification. Further, in response to the rejection under § 112, first paragraph, the quoted text below with reference for example to FIG. 8 describes a heated body or shoe **22** and a complementary guide **40**:



¹ While the § 112 rejection is directed to "[c]laims 1-12, 14, and 43-44," the text of this rejection instead describes a recitation in claims 1, 31, 37, and 43 which allegedly "is not supported by the original disclosure."

Referring to FIGS. 8 and 9, the fusing step can be achieved with the fusing stage 20. *The fusing stage 20 can include a heated body or shoe 22 having first and second guide surfaces 24, 26. The second guide surface 26 is positioned substantially opposite the first guide surface 24. The first guide surface 24 is contoured to contact and heat the contact side of the overlapping portion y of the tab 6, while the second guide surface 26 is configured to contact and heat the contacting side of the overlapped portion x of the upper layer 2. In this respect, the shoe 22 has or carries a temperature controlled heater or heating element 28 (with a controller C) for heating the shoe 22 . . .*

The fusing stage 20 can further include a complementary guide 40 for guiding the overlapping portion y of the tab 26 over the first guide surface 24. The guide 40 extends laterally outwardly and downwardly from the second upright surface of the third section 12c, adjacent to the first guide surface 24 of the shoe 22. The guide 40 and the second upright surface of the third section 12c surround the outer side of the tab 6. The guide 40 has a complementary surface 42 opposite the first guide surface 24 that is substantially complementary to and positioned hovering over the first guide surface 24. The guide 40 works much like a binder attachment on a sewing machine. That is, the guide surfaces 24, 42 pinch or sandwich the overlapping portion y of the tab 6 therebetween, between the heel portion (upstream) 22h and the toe portion (downstream) 22t of the shoe 22. The complementary surface 42 is configured to guide the overlapping portion y over the overlapped portion x so that the overlapping portion y contacts and fuses to the overlapped portion x as the tab 6 emerges from the toe section 22t . . .

(Specification, page 11, line 7 to page 12, line 8) (emphasis added). The Office Action states that Applicant's disclosure "does not mention a heated guide in addition to a first and second spaced guides." (Office Action, p. 2). But, the limitation in question refers to "spaced first and second guides" (e.g., (1) heated body **22** and (2) guide **40**) as well as "a heated guide surface" (e.g., guide surface **24**). Clearly, if heated body **22** has a guide surface **24**, then heated body **22** is a guide.

The Office Action also alleges that "the combination of limitations 'rolling at least the first layer between spaced first and second guides' (claim 1 lines 7-8) and 'wherein the edges abut each other' (claim 5 lines 1-2) present new matter." (Office Action, page 2). The Office Action states that "the limitation of claim 5, which is illustrated by Figure 12B, requires that neither layer is rolled between the guides. Alternatively, rolling the layers between the guides results in overlapping the first layer over the second layer (see Figure 10B)." (*Id.*). Applicant respectfully disagrees that new matter has been introduced. Nonetheless, the rejection on these grounds is moot in view of the cancellation of claim 5.

Claims 31-42 were rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,037,033 to Hunter (“Hunter”) in view of U.S. Patent No. 4,985,106 to Nelson (“Nelson”) and U.S. Patent No. 4,606,784 to Glans *et al.* (“Glans”). The rejection respectfully is traversed.

The Office Action states that “[i]t is unclear as to whether Hunter brings the first and second free ends together by guiding the first free end along a surface so that a first portion of the first layer bends and abuts a second portion of the second layer.” (Office Action, p. 3). But, the Office Action relies on Nelson for disclosing “a roller arrangement and heat.” (Nelson, Col. 7, line 4).

Each of independent claims 31 and 37 recite, *inter alia*, guiding the first free end between spaced first and second guides configured to contact and guide the first layer along a guide surface, and simultaneously moving the second layer to contact the first guide, with the first guide comprising a heated body. Yet, the Office Action fails to identify any disclosure in the cited references for example for the recitation “simultaneously moving the second layer to contact the first guide, with the first guide comprising a heated body.” Moreover, the Office Action fails to indicate how a roller arrangement of Nelson would allow both the first and second layers to contact the first guide.

Separately, Glans, although cited, was not applied in the rejection.

Claims 1-12, 14, and 43-44 were rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Hunter and Nelson in view of Glans. The rejection respectfully is traversed.

Independent claim 1 recites, *inter alia*, rolling at least the first layer between spaced first and second guides configured to contact the first layer and guide the first layer along a heated guide surface toward the second layer, contacting the first layer with the second layer, and simultaneously moving the second layer to contact the first guide. As discussed above, the Office Action again fails to identify any disclosure in the cited references for example for the recitation “simultaneously moving the second layer to contact the first guide.”

Independent claim 43 recites, *inter alia*, rolling at least the first layer between spaced first and second guides configured to contact the first layer and guide the first layer along a heated guide surface toward the second layer while moving the second layer to also contact the first guide, with the first guide being configured as a shoe, and contacting the first

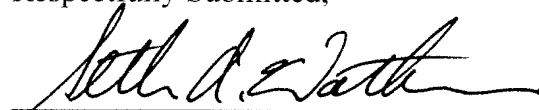
outer surface with the second outer surface along bonding regions thereof. Similarly to the recitations discussed above, the Office Action again fails to identify any disclosure in the cited references for example for the recitation “while moving the second layer to also contact the first guide.”

In view of the foregoing, it is believed that all the pending claims are in condition for allowance, which is respectfully requested. If the Examiner does not agree, then a personal or telephonic interview is respectfully requested to discuss any remaining issues so as to expedite the eventual allowance of the claims.

A Request for Continued Examination (RCE) and a Petition for Extension of Time are submitted concurrently herewith. Should any additional fees be required, however, please charge all required fees to Steptoe & Johnson LLP Deposit Account No. 19-4293.

Date: July 7, 2008

Respectfully Submitted,



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